

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

ORDER NO. WQ 85-5  
AMENDING ORDER NO. WQ 85-1  
AND CLEANUP AND ABATEMENT ORDER NO. 85-1

U. S. Department of the Interior  
Bureau of Reclamation  
Kesterson Reservoir

The State Water Resources Control Board (hereinafter State Board) finds that:

1. On February 5, 1985, the State Board adopted Order No. WQ 85-1 and Cleanup and Abatement Order No. 85-1.
2. Provision 3 of Cleanup and Abatement Order No. 85-1 required the U. S. Bureau of Reclamation (hereinafter Bureau) to submit a plan by May 5, 1985, to the State Board, for its approval, detailing the measures the Bureau will undertake to mitigate the nuisance conditions caused by the operation of Kesterson Reservoir.
3. The Bureau submitted a Nuisance Abatement Plan on May 3, 1985. The overall strategy outlined in the plan is acceptable, but there are several additions to the plan which need to be made to ensure protection of waterfowl and to minimize ground water impacts of proposed alterations in reservoir operation.
4. Provision 1 of Cleanup and Abatement Order No. 85-1 required the Bureau to submit a plan, including a detailed time schedule, by July 5, 1985, specifying measures the Bureau would undertake to minimize seepage at Kesterson Reservoir. Provision 1 specified that appropriate measures would include closure of the reservoir in accordance with the closure requirements of Subchapter 15, Chapter 3, Title 23, of the California Administrative Code.
5. Provision 2 of Cleanup and Abatement Order No. 85-1 required the Bureau to submit a plan and time schedule, by July 5, 1985, detailing measures the Bureau would undertake to alleviate the threat of future surface discharges from Kesterson Reservoir.
6. Provision 4 of Cleanup and Abatement Order No. 85-1 required the Bureau to submit, by August 5, 1985, either a revised Report of Waste Discharge for Kesterson Reservoir, if the Bureau chose to keep the facility in use as a waste disposal site, or, alternatively, a closure and post-closure maintenance plan.
7. On March 15, 1985, the Secretary of the Interior announced that Kesterson Reservoir would be closed to ensure protection of waterfowl in accordance with the Migratory Bird Treaty Act. To facilitate this action, the Department of the Interior entered into an agreement with Westlands Water District, whose lands are the source of agricultural drainage into Kesterson Reservoir. This April 3, 1985 agreement provides for a phased

reduction in the flow of drain water with complete cessation by June 30, 1986. Provision 1 of Cleanup and Abatement Order No. 85-1 requires the Bureau, if they elect to close the reservoir, to submit a closure plan by July 5, 1985, for the approval of the State Board.

8. The Bureau submitted a Kesterson Reservoir Closure and Cleanup Plan on July 5, 1985, to comply with provisions 1, 2, and 4 of Cleanup and Abatement Order No. 85-1. In the plan, the Bureau proposes to discontinue use of Kesterson Reservoir as an evaporation facility for subsurface agricultural drain water by June 30, 1986. This proposal complies with provision 2 of Cleanup and Abatement Order No. 85-1. The plan to close Kesterson is also consistent with the intent of provision 1 of the order; however, the plan does not specify the details of closure, therefore, it cannot be determined at this time whether closure would comply with Subchapter 15 requirements for closure. Because no specific closure plan is contained in the Bureau's submittal, the plan also does not comply with provision 4 of Cleanup and Abatement Order No. 85-1.
9. Provision 5 of Cleanup and Abate Order No. 85-1 required the Bureau to submit a monitoring program by May 27, 1985, for the approval of the State Board's Executive Director, which complies with the requirements of Article 5, Subchapter 15.
10. The Bureau submitted a monitoring program on May 27, 1985. Additional information is needed in order to accept the plan as being in conformance with Article 5, Subchapter 15. The present monitoring program presents a summary of an extensive network of surface and ground water monitoring points. However, it does not contain the required rationale for how and why the program was constructed.
11. State Board Order No. WQ 85-1 required Grassland Water District to submit a technical report by June 5, 1985, for the approval of the State Board's Executive Director, detailing the measures the District will undertake to control selenium levels in wastewater entering the district and a time schedule for implementation of these measures.
12. Grassland Water District submitted a technical report on May 31, 1985. Although the district has worked diligently to comply, the report submitted does not meet the requirements of the order because it defers discussion of specific selenium control measures until October 15, 1985.

IT IS HEREBY ORDERED, that:

1. The Bureau shall add, or provide the State Board's Executive Director with an adequate explanation why they cannot add, within three months of the date of this order, the following points to their Nuisance Abatement Plan:
  - a. The Bureau shall not terminate the hazing program without the approval of the State Board's Executive Director.

- b. The Bureau shall not terminate their supplemental water supply for alternative habitat without the approval of the State Board's Executive Director.
  - c. The Bureau shall assess, to the extent feasible, the seepage rates of the ponds in Kesterson Reservoir, and they shall shift water into the ponds with the lowest seepage rates.
  - d. Before the Bureau embarks on a vegetation removal process, they should assess, to the extent feasible, whether selenium in the sediments will be mobilized.
2. The Bureau shall submit a final closure plan by December 1, 1986, for the approval of the State Board. This plan shall comply with Article 8, Subchapter 15. The Bureau shall specify in the plan the contaminant concentrations which will trigger ground water removal.
  3. The Bureau shall establish an irrevocable closure fund, pursuant to Article 8, Subchapter 15, or provide the State Board's Executive Director with an adequate explanation why such a fund is unnecessary. This information shall be submitted to the State Board's Executive Director by December 1, 1986.
  4. The Bureau shall submit a Closure and Post-Closure Maintenance Plan, which complies with Section 2597, Subchapter 15, for the approval of the State Board by December 1, 1986.
  5. The Bureau shall submit a monitoring program by January 1, 1986, for the approval of the State Board's Executive Director. This monitoring program shall comply with Article 5, Subchapter 15, Chapter 3, Title 23, California Administrative Code.
  6. Grassland Water District shall submit a technical report by October 15, 1985, for the approval of the State Board's Executive Director. This report shall detail the measures the district will undertake to control selenium levels entering the district and a time schedule for implementation of these measures.

#### CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct

copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 22, 1985.

AYE: Raymond V. Stone  
Edwin H. Finster  
Eliseo M. Samaniego

NO: Darlene E. Ruiz

ABSENT: None

ABSTAIN: None

*for* Walt Pettit  
Michael A. Campos  
Executive Director